

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Heribert BALDUS, et al. ) Examiner: not assigned  
U.S. Serial No.: 10/596,570 ) Art Unit: not assigned  
Filed in U.S.: June 16, 2006 ) Confirmation No.: 7973  
For: Medical Device Which Can Be Operated )  
With Various Operating Settings, in )  
Particular, Patient Monitor ) Cleveland, Ohio 44143  
Attorney Docket No.: PHDE030424US ) February 21, 2007

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE DO/EO/US**

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In connection with the above-entitled case, please find enclosed: (1) copy of Notification of Missing Requirements (2) signed Declaration and Power of Attorney.

The Commissioner is hereby authorized to charge the surcharge for late submission of the Declaration, and any additional fees that may be required, or to credit any overpayment, to Deposit Account No. 14-1270.

Respectfully submitted,

  
Douglas B. McKnight  
Reg. No. 50,447

Phillips Intellectual Property & Standards  
595 Miner Road  
Cleveland, Ohio 44143  
Tel: 440/483-2373

33415.1

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I certify that this Response and accompanying documents are being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

February 22, 2007

Patricia A. Heim  
Patricia A. Heim



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: 7040 GLEBE RD., SUITE 200, ALEXANDRIA, VA 22311-1459  
 Internet: [www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/596,570	Heribert BALDUS	PHDB030424US
		INTERNATIONAL APPLICATION NO.
		PCT/IB04/52770
38107 PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143	I.A. FILING DATE	PRIORITY DATE
	12/13/2004	12/19/2003
CONFIRMATION NO. 7973		
371 FORMALITIES LETTER		
 *OC000000022382154*		

Date Mailed: 02/12/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/16/2006
- Copy of the International Search Report filed on 06/16/2006
- Preliminary Amendments filed on 06/16/2006
- Information Disclosure Statements filed on 06/16/2006
- U.S. Basic National Fees filed on 06/16/2006
- Priority Documents filed on 06/16/2006
- Specification filed on 06/16/2006
- Claims filed on 06/16/2006
- Abstracts filed on 06/16/2006
- Drawings filed on 06/16/2006

**SCANNED**

21 FEB. 2007

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

TAMALA D HOLLAND

---

Telephone: (703) 308-9140 EXT 209

**PART 1 - ATTORNEY/APPLICANT COPY**

---

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/596,570	PCT/IB04/52770	PHDE030424US

FORM PCT/DO/EO/905 (371 Formalities Notice)